109TH CONGRESS
1ST SESSION

H. R. 4074

To provide student loan forgiveness to the surviving spouses and parents
of victims who were Hurricane Katrina or Hurricane Rita first responders.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2005

Mrs. McCARTHY introduced the following bill; which was referred to the
Committee on Education and the Workforce

A BILL

To provide student loan forgiveness to the surviving spouses
and parents of victims who were Hurricane Katrina or
Hurricane Rita first responders.

1   *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4   This Act may be cited as the "Hurricane First Re-

5 sponder Surviving Spouse Student Loan Relief Act".

6 **SEC. 2. CANCELLATION OF STUDENT LOAN INDEBTEDNESS**

7   **FOR SPOUSES AND PARENTS.**

8   (a) DEFINITIONS.—For purposes of this section:

9   (1) ELIGIBLE VICTIM.—The term "eligible vic-

10   tim" means an individual who served as police, fire,

1 safety, rescue, medical, or other emergency per-
2 sonnel, or as a member of the Armed Forces, and
3 who died (or dies) or became (or becomes) perma-
4 nently and totally disabled due to injuries incurred
5 while responding to or caring for victims of Hurri-
6 cane Katrina or Hurricane Rita, or of the flood or
7 other consequences of Hurricane Katrina or Hurri-
8 cane Rita, as determined in accordance with regula-
9 tions of the Secretary.

10 (2) ELIGIBLE SPOUSE.—The term "eligible
11 spouse" means the spouse of an eligible victim.

12 (3) ELIGIBLE PARENT.—The term "eligible
13 parent" means an individual who is the parent of an
14 eligible victim and who is the borrower of a Federal
15 PLUS loan under section 428B, or a Federal Direct
16 PLUS loan under part D of title IV, of the Higher
17 Education Act of 1965, that was obtained and used
18 for the cost of attendance of such eligible victim.
19 Such an individual is an eligible parent for purposes
20 of this Act only with repect to the amounts owed on
21 such loan.

22 (4) SECRETARY.—The term "Secretary" means
23 the Secretary of Education.

24 (5) FEDERAL STUDENT LOAN.—The term
25 "Federal student loan" means any loan made, in-

1 sured, or guaranteed under part B, D, or E of title

2 IV of the Higher Education Act of 1965.

3 (b) IN GENERAL.—The Secretary shall provide for

4 the discharge or cancellation of the Federal student loan

5 indebtedness of an eligible spouse or an eligible parent in

6 the same manner that the Federal student loan indebted-

7 ness of an eligible victim is required to be discharged or

8 canceled under sections 437(a), 455(a)(1), and

9 464(c)(1)(F) of the Higher Education Act of 1965 (20

10 U.S.C. 1087(a), 1087e(a)(1), 1087dd(c)(1)(F)), as the

11 case may be. Such discharge or cancellation shall apply

12 to the principal and accrued unpaid interest outstanding

13 on the date of the injury causing the death or disability

14 of the eligible victim.

15 (c) FACILITATION OF CLAIMS.—The Secretary

16 shall—

17 　　(1) by regulation, establish procedures for the

18 　　filing of applications for discharge or cancellation

19 　　under this section, which regulations shall be pre-

20 　　scribed and published within 30 days after the date

21 　　of enactment of this Act and without regard to the

22 　　requirements of section 553 of title 5, United States

23 　　Code; and

24 　　(2) take such actions as may be necessary to

25 　　publicize the availability of discharge or cancellation

1   of Federal student loan indebtedness for eligible

2   spouses and eligible parents under this section.

3   (d) AVAILABILITY OF FUNDS FOR PAYMENTS.—

4 Funds available for the purposes of making payments to

5 lenders in accordance with section 437(a) for the dis-

6 charge of indebtedness of eligible victims shall be available

7 for making payments under section 437(a) to the spouses

8 and parents of such individuals as required by this section.

9   (e) NO DELAY IN REGULATIONS.—Sections 482(c)

10 and 492 of the Higher Education Act of 1965 (20 U.S.C.

11 1089(c), 1098a) shall not apply to the regulations re-

12 quired by this section.

○